

**The Chair called the meeting to order at 7:00 PM**

## **I. Roll Call**

**Present: Joseph Cardello, Ed Magill, Dr. Lucien Benoit, John Czyzewicz, John O'Donnell. Absent: Bruce Santa Anna, John Flaherty. Also Present: Town Planner Michael Phillips, Assistant Solicitor Bob Rossi**

## **II. Approval of Minutes – August 16, 2007**

**The Chair stated that the Board members had just received the court stenographer's transcript of the August 16, 2007 meeting. He would like more time to review the transcript before approving the minutes. Mr. O'Donnell made a motion to table the approval of the minutes until after the Board has a chance to review the transcript. Mr. Magill seconded the motion, with all in favor.**

## **III. Bond Reduction Request – Union Hill**

**Mr. O'Donnell recused himself because he is an abutter to the Union Hill subdivision property. Mr. Phillips informed the Board that the developers for the Union Hill subdivision had requested a bond reduction. PARE Engineering has conducted an inspection and found that some areas of the pavement need to be repaired. There are large sections with cracking and selected areas that need to be**

cut out and redone. Some leveling is also necessary. The developers have said they will cooperate with the inspection findings. The Chair also stated that the developers should take care of any erosion issues.

The Board reviewed the spreadsheet detailing the bond and the reduction request. After discussing items on the spreadsheet, Mr. Magill made a motion to reduce the amount of the bond to \$131,750. Dr. Benoit seconded the motion. Planning Board vote was as follows:  
AYE: Mr. Magill, Mr. Cardello, Mr. Czyzewicz, Dr. Benoit. Motion passed, 4-0.

#### **IV. Preliminary Plan - Minor Subdivision – DILL (continued from Sept. 6, 2007)**

**Owner/Applicant: Margaret & Robert Letourneau**

**Location: 1239 Victory Highway & Carlton Avenue**

**Assessor's Plat 4 Lot 149**

**Zoning: RS-40 (Suburban Residential)**

Erin Gallogly, an associate with Marc N. Nyberg & Associates, was present for the applicant.

Ms. Gallogly responded to issues raised at the September 6, 2007 meeting. She stated that the plans have been revised to show locations of cesspools and wells. On the revised plans, the cesspools have been labeled "to be abandoned." She stated that the dry well is being used for overflow for the pool, but it will be filled and

**abandoned.**

**The applicant submitted an approved septic design for the house on Lot 2 and a water test conducted by Rhode Island Analytical Laboratories, Inc. The test came back negative for fecal coliform, but positive for total coliform, probably due to a rusty faucet or plants and animals. They were instructed to add bleach (chlorine), then retest in 24 hours. Dr. Benoit asked that they follow up with another test after the new system is installed. The Chair also suggested putting filters on the water system as it enters the house to keep the water supply clean. Ms. Gallogly stated that they will have tests done yearly.**

**Dr. Benoit made a motion to approve the petition for Preliminary Plan stage of a minor subdivision proposed by Kristy and Matthew Dill, on Assessor's Plat 4, Lot 149. Mr. Magill seconded the motion. Planning Board vote was as follows: AYE: Mr. Magill, Mr. O'Donnell, Mr. Cardello, Mr. Czyzewicz, Dr. Benoit. Motion passed, with a vote of 5-0.**

**Dr. Benoit made a motion to allow the Administrative Officer to approve the Final Plan subject to Preliminary Plan conditions. Mr.**

**O'Donnell seconded the motion, with all in favor.**

## **V. Planning Issues & Concerns**

### **1.) Pound Hill Business Park- Compliance with Approved Plans**

**The Chair and Mr. Santa Anna had informed Mr. Phillips that they were concerned that the excavation at Pound Hill Business Park is not being conducted as stipulated in the approved plan. Mr. Phillips has been to the site to take pictures. Mr. Sangermano, owner of the property, has said that they do intend to do the support of excavation plan as indicated on the approved plans in the spring. Mr. Cardello, stated this was “not acceptable”. Mr. Sangermano has also told Mr. Phillips that a fence will be installed within a week. An abutter to the property has also contacted the Planning Board and stated that the construction is not being carried out according to the approved plan. Mr. Puccetti of Northern Green Holdings has installed a gate across his driveway to stop the construction trucks from using it. The Board is concerned with the non-compliance with the plans and the safety hazard present at the site.**

**The Chair made a motion to ask the Zoning Official to inspect the site to be sure that construction on the site is in compliance with the conditions set forth in the plan, with regard to general excavation, support of excavation, and soil erosion. If any failures to comply with the conditions are noted, they must be corrected immediately. If the**

slopes are unsafe, they should be made to be in compliance with the stipulations on the approved plan. Mr. O'Donnell seconded the motion, with all in favor.

## **2.) Review of Sign Ordinance Provisions – Mixed Use Office Commercial/146A**

The Board discussed the proposed changes to the Sign Ordinance, as previously addressed in September 2006. At that time, changes to the sign ordinance had been discussed with regard to the Dowling Village development. Matthew Shaw, attorney for the developers of Dowling Village, was present and submitted a letter outlining the developer's requests for signage in this zone. Mr. Phillips stated that a year ago, the developers had withdrawn their petition for a variance on the signage, in anticipation that a new ordinance would be adopted. Since a year has passed with no new ordinance, Mr. Phillips thinks the Board should move forward to try to adopt an ordinance to accommodate this development. The Board discussed ideas for the ordinance, including ratio of linear feet of building front to square feet of signage. They also discussed capping the amount of total square feet for the signage.

Carolyn Shumway of the Valley Alliance stated that she believes the sign ordinance should be consistent throughout the town, not specific to one development. She also asked the Board to consider environmental issues, concerning lighting aspects of the signage.

After discussion, the Board asked for some time to look at signs of specific sizes at other businesses, both in town and at Smithfield Crossings. With a better picture of what sizes of signs actually look like on existing buildings, they will better be able to make a decision. The Board decided to revisit the sign ordinance at the second meeting in October.

### **3.) Review of Ordinance amendments--Section 6.12 Onsite Wastewater Treatment System, Section 6.12 (OWTS) Setback, and Section 6.21 Structure and Impervious Setback**

The Board discussed revisions to the proposed ordinance amendments. Some terminology has been changed to reflect that used in RIDEM's new regulations (ISDS is now OWTS). Other than changes in terminology, the amendments have not changed since the Board's last discussion on the issue. Dr. Benoit stated that he would like the Planning Board to have the authority to grant waivers in instances when there are site constraints, rather than have the applicants appear before the Zoning Board of Review. Mr. Phillips stated that they would need to change the terminology to waiver, rather than Special Use Permit in order to allow Planning Board jurisdiction. The Chair also pointed out some typographical errors in the amendments that need to be corrected.

**The Board decided to wait to see the written draft, including the Planning Board having authority to grant waivers, before making a motion to approve the ordinance amendments. The Board will address this at the second meeting in October.**

#### **4.) Appointment of Zoning Ordinance Review Committee Member**

**Mr. Phillips stated that the Town would like a member of the Planning Board to sit on the Zoning Ordinance Review Committee. If no one is able to represent the Planning Board, the Town Council will appoint a citizen. They would like to have a liaison with the Planning Board. The Chair stated that he will try to sit in on the first few meetings of the committee, but he will also ask Mr. Santa Anna if he is interested in being part of the committee.**

**VI. Mr. Czyzewicz made a motion to adjourn at 8:44 pm. Dr. Benoit seconded the motion,  
with all in favor.**

**Respectfully submitted,  
Angela Pugliese  
Planning Board Recording Secretary**